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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/660,401

09/10/2003

Markus Rothkranz

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EXAMINER

PANDYA, SUNIT

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/660,401	Applicant(s) ROTHKRANZ ET AL.	
	Examiner Sunit Pandya	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s), _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/24/03, 8/19/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. Acknowledgement is made of applicant's Oath/Declaration meets standard required by 35 U.S.C 25 & 115.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 9/10/03 is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97 & 1.98. Accordingly, the examiner has considered the information disclosure statements.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 11, 12, 21-25, 31, 32, 34, 38-42, 48, 49, 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue (6,398,220).

Claims 1, 21, and 38: Inoue discloses a gaming device comprising a game operable upon a wager by a player (col. 4: 49-55), a cabinet, a housing connected to the cabinet (figures 1-4). Inoue also discloses a symbol display mechanism including a plate movably attached to a housing and plurality of symbol display members and each movably attached to the support (figure 2, is the movable plate with different symbols, attached to the housing (figure 1). Each symbol display includes at least one symbol

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(figure 2, element 7), and at least one of said symbol display members is adapted to be indicated after a triggering event (col. 5: 24-27, wherein Inoue inherently discloses a trigger event. Inoue discloses the gaming device capable of adapting in a sub-game or in a double-up game, wherein in order for the game to go from base playing game to a sub-game or a bonus game, there inherently has to be a trigger event that switches the games over from base to bonus). Inoue also provides an award to the player based on the indicated symbol (col. 18-24).

Claims 2, 22, and 39: Inoue discloses a portion of the housing containing substantially transparent material (figure 3, includes a transparent material thus making it capable for the players to view the game as it is activated and being played).

Claims 3, 23 and 40: Inoue discloses a mechanism including a support having a multiple ends, wherein one of the ends is attached to the plate and other is movable end connected to the housing (figure 3, col. 3: 25-42, 56-65).

Claims 4, 24, and 41: Inoue discloses of an actuator such as a motor coupled with the second end of the support thus allowing the disc or plate to rotate (col. 3: 66-18).

Claims 5, 25 and 42: Inoue discloses rotating mechanism, wherein multiple gears are positioned adjacent to the plates and attached to the frame, wherein one of the gear is attached to the symbol display, and the gears are meshed with each other to cause rotation (figures 4-6, and descriptions thereof).

Claims 11, 31, and 48: Inoue discloses atleast two of the symbols on each of the symbol display members are different (figure 2).

Claims 12, 32, and 49: Inoue discloses plurality of symbols on the symbol display members are different (figure 2).

Claims 14, 34, and 51: Inoue discloses symbols representing an outcome of an award (figure 3, col. 5: 16-28).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 7, 13, 26, 27, 33, 43, 44, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue.

Claims 6, 7, 26, 27, 43 and 44: Inoue discloses a generic gear ratio, however Inoue does not disclose that the gear ratio be a 1:1 or a 3.5:1, however it would be obvious to one with ordinary skill in the art to implement different gear ratios, to allow the plate to rotate at different speed compared to the motor, to create different visual effect in the game.

Claims 13, 33, and 50: Inoue discloses a plurality of different symbols on the display member (figure 2), however Inoue does not teach that all of the symbols on the display members are different. It would have been obvious matter of design choice, for one with ordinary skill in the art at the time of the invention to implement all different

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symbols on the display members, to allow players possibility to win different prizes and thus increasing player excitement.

7. Claims 8-10, 15-20, 28-30, 35-37, 45-47, 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue as applied to claims 1-7, 11-14, 21-27, 31-34, 38-44, 48-51, 55, 56 above, and further in view of Wilkins et al. (6,793,577).

Claim 8-10, 28-30, 45-47: Inoue discloses a gaming device comprising a game operable upon a wager by a player (col. 4: 49-55), a cabinet, a housing connected to the cabinet (figures 1-4). Inoue also discloses a symbol display mechanism including a plate movably attached to a housing and plurality of symbol display members and each movably attached to the support (figure 2, is the movable plate with different symbols, attached to the housing (figure 1). Each symbol display includes atleast one symbol (figure 2, element 7), and atleast one of said symbol display members is adapted to be indicated after a triggering event (col. 5: 24-27, wherein Inoue inherently discloses a trigger event. Inoue discloses the gaming device capable of adapting in a sub-game or in a double-up game, wherein in order for the game to go from base playing game to a sub-game or a bonus game, there inherently has to be a trigger event that switches the games over from base to bonus). Inoue also provides an award to the player based on the indicated symbol (col. 18-24). However Inoue fails to teach of symbol display members having illumination device.

Wilkins et al. disclose symbol display members including one illumination device, or plurality of symbol display members include atleast one illumination device, or all of

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the symbol display members include an illumination device (col. 7:36-56). It would have been obvious to one with ordinary skill in the art at the time of the invention to have modified Inoue to include illumination device associated with one or all of the symbol display to add visual effect to the game and thus increasing player excitement.

Claim 15: Inoue discloses a symbol indicator positioned adjacent to the symbol display mechanism and attached to the housing (figure 3), however Inoue's symbol indicator is not movable symbol indicator.

Wilkins et al. discloses a movable symbol indicator (col. 5: 52-59, wherein a spinner with pointer is implemented as a symbol indicator), wherein the symbol indicator is operable to move to indicate atleast one of the symbols on the symbol display device (figures 2, 3). It would have been obvious to one with ordinary skill in the art at the time of the invention to have included a movable symbol indicator to create randomness for the players, thus keeping player interested and occupied with the game.

Claims 16, 17, 35, 36, 52 and 53: Wilkins et al. disclose the symbol indicator includes an indicator member (figures 2, 3, the pointer act as an indicator members), a lever arm is inherently disclosed within Wilkins et al. (the lever which is inherently disclosed within the mechanism not displayed, to allow the movement of the pointer, wherein the lever attached to the pointer is substantially the same plane). Wilkins et al. also discloses a actuator such as a motor to cause the indicator member to rotate or pivot (figure 4, element 118).

Claims 18, 37, and 54: Inoue inherently disclose a slip disk having a fixed member and a moveable member, wherein the fixed member is connected to the

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symbol indicator (figure 3, discloses symbol indicator fixed to a slip disk), and movable member is connected to symbol display (figure 2 is the symbol display. In figure 3, the slip disk movable member is attached to the element 5, rotating unit), wherein the slip disk is operable to transfer electrical signals to the symbol display mechanism to control its movement (figures 4-7, and description thereof).

Claim 19: Wilkins et al. discloses a movable symbol indicator (col. 5: 52-59, wherein a spinner with pointer is implemented as a symbol indicator), wherein the symbol indicator is operable to move to indicate atleast one of the symbols on the symbol display device (figures 2, 3), and is attached to the housing. The indicator includes a indicator member (figure 2, element 103 is the arrow), and a pivot member (figure 2, element 99, which is the pivot point). Wherein the pivot member is connected to indicator member (the pivot point has a connector that connects the pointer to the motor that makes the pointer move), on one end and the other end is connected to the body (or the motor which makes the movement possible).

Claim 20: Wilkins et al. teaches of a horizontal axle (pivot member) connecting the housing with the symbol indicator (figure 2, element 99 which is the center point on the symbol indicator and the indicator rotates around that point), and wherein the pivot member is connected to vertical spaced axle support (the pointer 103) and the symbol indicator spins towards and away from the symbol members (the circular movement of the pointer).

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8. Claims 55, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue as applied to claims above, and further in view of Perrie et al. (6,173, 955).

Claims 55 and 56: Inoue discloses a gaming device comprising a game operable upon a wager by a player (col. 4: 49-55), a cabinet, a housing connected to the cabinet (figures 1-4). Inoue also discloses a symbol display mechanism including a plate movably attached to a housing and plurality of symbol display members and each movably attached to the support (figure 2, is the movable plate with different symbols, attached to the housing (figure 1). Each symbol display includes at least one symbol (figure 2, element 7), and at least one of said symbol display members is adapted to be indicated after a triggering event (col. 5: 24-27, wherein Inoue inherently discloses a trigger event. Inoue discloses the gaming device capable of adapting in a sub-game or in a double-up game, wherein in order for the game to go from base playing game to a sub-game or a bonus game, there inherently has to be a trigger event that switches the games over from base to bonus). Inoue does disclose accumulating the value of any the symbol on the indicated symbol display, and awarding the players the accumulated award.

However Inoue does not disclose having multipliers and non-multipliers as symbols, and repeating the steps of the game until a player achieves a non-multiplier value associated with the symbol. It would have been an obvious matter of design choice for one with ordinary skill in the art to add multipliers in the symbols of Inoue. However Inoue does not disclose the ending condition disclosed, wherein the game does not end until the player has achieved a non-multiplier. Perrie et al. disclose a

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wagering game wherein, if winning combination is achieved the game continues (re-roll the dice) and if the dice does not achieve the winning combination the game is over and the player is awarded a payoff. It would have been obvious to one with ordinary skill in the art to have modified Inoue's game to allow the game to continue till the player achieves a non-multiplier, to increase player winning potentials and thus making the game more exciting for the players.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of References cited.

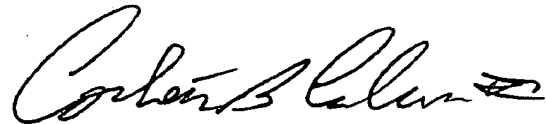
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is (571) 272-2823. The examiner can normally be reached on M - F: 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert OLSZEWSKI can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP

A handwritten signature in black ink, appearing to read "Corbett B. Coburn", followed by a stylized flourish or checkmark.

**CORBETT B. COBURN
PRIMARY EXAMINER**